

Edward Wahler (purported defendant)  
In Care of Postal Department 681  
Buncombe: the county  
Fletcher: North Carolina:  
on the land 28732  
In Propria Persona (not Pro Se)  
Without counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

Case No.: 1:08-CR-00055-RLV-DCK-2

Virginia Wahler, living, breathing woman and mother of Edward William Wahler, hereinafter "Wahler", having standing to sue as a third party intervenor, comes before the court in the above numbered manner, by necessity, as my son, Edward William Wahler is incarcerated and unable to act for himself. On behalf of Wahler, objection is hereby made to the ongoing proceedings including but not limited to the incarceration of Wahler, on the grounds that no ratification of commencement has been provided pursuant to Rule 17, real party in interest. The fact that no real party in interest has provided said ratification of commencement, and heretofore Wahler, by mistake, did not realize that said ratification of commencement was a necessary element of the proceedings, brings standing to also issue a WRIT OF HABEAS CORPUS immediately and the court should ORDER the issuance of said writ forthwith. FURTHER, Wahler petitions the court to dismiss with prejudice the charges herein.

1 AFFIDAVIT IN SUPPORT OF WRIT OF HABEAS CORPUS

2 Affiant herein, Edward Wahler, third party intervenor and real party in interest by  
3 right, makes the following affidavit in support of the issuance of the great Writ of Habeas Corpus  
4 in the interests of justice. Affiant herein states as follows:

- 5 1) Affiant herein has personal firsthand knowledge of the facts herein and is over the  
6 age of 21; and
- 7 2) Affiant herein is competent to testify and if called upon will so state that the  
8 following is true, correct, and complete, the truth, the whole truth and nothing but  
9 the truth, so help me God; and
- 10 3) Affiant believes that pursuant to the Federal Rules of Civil Procedure, Rule 17,  
11 that if Edward William Wahler had opportunity, that Wahler would without  
12 question object to the proceedings herein on the basis that no real party in interest  
13 has appeared, and further, that said real party in interest has produced a  
14 ratification of commencement as required upon said objection; and
- 15 4) Affiant believes that in the interest of justice, said ratification of commencement  
16 and/or the lack thereof is an integral part of the judicial proceedings, and that  
17 Edward William Wahler is being held without said ratification against his will and  
18 against the integrity of justice; and
- 19 5) Affiant believes said writ should issue immediately; and

20 FURTHER, Affiant saith not.

21 *Virginia Wahler*  
22 Virginia Wahler *signing as p.p.a. for.*  
23 C/o: *Edward William Wahler*  
24 \_\_\_\_\_, America  
25 Non Domestic without the US  
26  
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1 CERTIFICATE OF SERVICE

2  
3 COPY of the forgoing hand delivered,

4 This 13 day of February, 2009, to:

5  
6 Assistant U.S. Attorney

7 W. Kase  
8 Chill, North Carolina \_\_\_\_\_

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12  
13 Service performed by:

14 W. Kase  
15 W. Kase  
16 W. Kase  
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